

REMARKS

The Office Action mailed March 18, 2010 has been reviewed and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-8 and 10-19 are pending and stand rejected.

Claims 1, 6 and 17 are independent claims.

Claims 1, 6 and 17 have been amended.

Claims 1-8 and 10-19 stand rejected under 35 USC 102(e) as being anticipated by Takahashi (WO2004/059648) (Also, USP no. 7,453,782).

In maintaining the rejection of the claims, the Office Action asserts "Takahashi discloses 'an area' 14 'that is associated' and corresponding with every at least **one** area 21/15; DMWA, which is for disc management information. Area (14) comprising signals indicating that such area for defect management information is in use, since the recording/reproducing apparatus obtains latest DMWA by associating it's corresponding area 14, Takahashi clearly specifies that recorded area 14, which when recorded implies having such signals that defines neighboring areas between the recorded latest DMWA (in use) and unrecorded DMWA (not in use)." (see FOA page 2). (emphasis in original).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

As previously characterized, and repeated, herein, Takahashi discloses a write-once read-many (WORM) information recording medium that is capable of searching for a latest DDS and a latest defect list. At least one disc management working area is sequentially allocated in a predetermined direction on the WORM information recording medium. The latest defect list and the latest DDS are provided in a recorded disc management working area neighboring a border between the recorded disc management working area and an unrecorded disc management working area, where the latest defect list precedes the latest DDS in the predetermined location. (see Abstract).

With reference to Figure 2, Takahashi discloses a data structure of the WORM disc, wherein a plurality of defect management areas (DMA) 10, 11, 12 and 13 are shown along with a temporary management area 20. The temporary management area 20 includes a plurality of defect management working areas 1-N, each of which is referred to as DMWA 21. Each of the defect management areas (e.g., 10) includes a disc definition structure 14 and a defect list 15 and each of the defect management working areas (e.g., #2) includes a defect list 15 and a disc definition structure 14. (see Figure 2). The DMWA 21 is used for temporarily recording defect management information which has been updated before the WORM disc is finalized. (see page 26, lines 26-21). Takahashi further discloses that the DMWA #1-N are sequentially allocated from the beginning toward the end of the defect management area 20 (see page 27, lines 16-20). Also see page 28, lines 1-7 which state, "...the temporary defect management area 20 containing defect management working areas 21 may not be necessarily contained in the lead-in area 4. The temporary defect management area 20 may be contained in, for example, the lead-out area 6 or the spare area 17 excluding the user data area 16."

Figure 8 illustrates the filling (i.e., recording) of each DMWA in a sequential manner wherein each new filling is located at a border between a neighboring unrecorded DMWA and a recorded DMWA. (see page 40, lines 11-15). Figure 9 further illustrates a process for determining the next DMWA to be filled (i.e., next unrecorded DMWA). Step 901 teaches selecting an unrecorded defect management working neighboring border, which is described on page 41, "area 14 includes positional information that indicates the beginning position of an unrecorded defect management working area, and an unrecorded defect management working area located at a beginning of a plurality of unrecorded defect management working area is selected."

Figure 11 further illustrates the positional information stored in the DSS area 14 showing which area of a DMWA has been successfully recorded.

Thus, each DMWA area includes its own DSS area 14, which is used to determine which area within the DMWA has been successfully recorded.

In rejecting the claims, the Office Action refers to the DDS 14 as being comparable to the claim element "an area, associated with a first one of said at least one area, comprising signals indicating which of said at least one area for storing disc management information is in use ..."

However, contrary to the assertion that area 14 is comparable to the claim element "an area, associated with a first one of said at least one area, comprising signals indicating which of said at least one area for storing disc management information is in use ...," applicant submits that because each DMWA includes its own area 14 and the area 14 includes positional data of a successfully recorded data within the DMWA, the area 14 provides no information regarding another DMWA, as is recited in the claims.

Takahashi fails to provide any teaching or disclosure that the DSS 14 of a DMWA includes information associated with a second DMWA 21 from which it may be determined that the second DMWA 21 is in use.

Notwithstanding the argument presented herein, applicant has elected to amend the claims to more clearly recite the subject matter regarded as the invention. More specifically, the claims have been amended to recite the element "said area comprising signals indicating which of selected ones of each of said at least one area ... is in use..." No new matter has been added. Support for the amendment may be found at least in Fig. 4 and on page 4, lines 15-20.

With the claims explicitly reciting that the area includes signals indicating which of selected ones of each of said at least one area is in use, applicant submits that area 14 of the cited reference fails to disclose this feature, as area 14 includes positional information only for a corresponding DMWA and provides no information regarding another DMWA.

A claim is anticipated if and only if each and every element is recited in a single prior art reference.

In this case, Takahashi cannot be said to anticipate the subject matter recited in claims 1, 6 and 17, as Takahashi fails to disclose at least one material element recited in these claims.

With regard to the remaining claims, these claims are dependent from the independent claims and, hence, these remaining claims are also allowable by virtue of their dependency upon an allowable base claim.

For the amendments made to the claims and for the remarks made, herein, applicant submits that the reason for the rejections of the claims has been overcome and respectfully requests that the rejections be withdrawn and a Notice of Allowance be issued.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

Although this action has been made Final, the amendments to the claims should be entered as they are made to clarify the subject matter claimed and not to overcome the teaching of the cited reference. It is believed only a cursory search is needed to be performed.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call applicant's representative at the telephone given below.

Respectfully submitted,
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Date: May 3, 2010

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